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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,886	04/26/2000	Wolfgang Huber	P00, 0558	1777

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EXAMINER

BOSWELL, ALAN M

ART UNIT PAPER NUMBER

3729

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,886

Applicant(s)

HUBER ET AL.

Examiner

Alan M Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,8,9. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10, 12-24, 26, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,402,564 to Tsukasaki.

Regarding claims 10, 15 and 22, Tsukasaki discloses a plurality of mounting members disposed for mounting the electrical component, each of the mounting members 200 including a respective data storage device 503 wherein each of the data storage devices stores an amount of mounting process data related to a fixed reference mark (*Note: the fixed reference mark can arbitrarily can be fixed to any location on apparatus including the apparatus itself.*) for each of the respective mounting members (see col. 8, lines 34-62); and

control device 500 disposed for controlling the automatic component-mounting unit, each of the data storage devices 503 transmitting the amount of mounting process data is utilized so as to adapt each of the mounting members 200 for optimal use during the mounting of the electrical component.

Regarding claims 12 and 23, Tsukasaki teaches the mounting members include a mounting head member 217 including mounting members.

Regarding claim 13, Tsukasaki teaches the mounting members include a mounting feeding member 100.

Regarding claim 14 and 24, Tsukasaki teaches the mounting members including sensor member 164 (see col. 7, lines 52-67).

Regarding claims 16-20, 29 and 30, Tsukaski teaches the control device receives the amount process data include at least one of geometrical and positioning data measured relative to a fixed reference mark and process data to configure movement and positioning of the plurality of mounting members (see Fig. 23).

Regarding claim 26, the mounting process is transferred from a data storage medium 503.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukasaki in view of US Patent No. 5,588,195 to Asia.

Tsukasaki fails to teach data storage devices which includes a transponder unit for communicating with the control device in a contactless manner, and the transponder is directly attached to the mounting member.

Asai teaches data storage devices which includes a transponder unit 316 for communicating with the control device in a contactless manner, and the transponder is directly attached to the mounting member (see col. 26, lines 8-60) for the purpose of improving durability, which produces longer life expectancy for the system.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the invention of Tsukasaki et al with transponder unit for communicating with the control device in a contactless manner, in light of the teaching of Asai, in order to improve durability, which produces longer life expectancy for the system.

6. Claims 27, 28, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukasaki in view of Asia '195 and further in view of US Patent No. 6,002,650 to Kuribayashi.

Regarding claims 27 and 28, Tsukasaki and Asai teaches the mounting process data is stored on data storage medium (i.e. computer) but fails to teach insertable into at least one of the mounting head members and control device.

Kuribayashi teaches a using a data storage medium; insertable into the control device (col. 18, lines 53-61) for the purpose of reducing the formation of the mounting

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data incorporating the characteristics of the mounter can be conveniently achieved with the mounter itself.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the invention of Tsukasaki et al, in light of the teaching of Asai, with a data storage medium; insertable into the control device for the purpose of reducing the formation of the mounting data incorporating the characteristics of the mounter can be conveniently achieved with the mounter itself.

Regarding claims 31 and 32, Tsukasaki teaches the control device receives the amount process data include at least one of geometrical and positioning data measured relative to a fixed reference mark and process data to configure movement and positioning of the plurality of mounting members (see Fig. 23).

Response to Arguments

7. The applicant's arguments in regards to the merits of Soellner as applied In the previous Office Action (Paper No. 16, filed on 12/3/02), here have been found to be persuasive and the final rejection has been withdrawn.

The applicant's arguments in Amendment A (Paper No. 14, filed on 5/31/02) will now be addressed. In regards to the merits of Tsukasaki et al, the applicants contends "mounting process data related to a fixed reference mark" is not disclosed. The examiner traverses applicant arguments. The reference mark can arbitrarily be fixed to any location on apparatus including the apparatus itself and Tsukasaki discloses the control device receives the amount process data include at least one of geometrical and

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positioning data measured relative to a fixed reference mark and process data to configure movement and positioning of the plurality of mounting members (see Figs. 20-23).

In regards to merits of Asai, applicants contend the transmitting device is not a transponder. The examiner states that the transmitting device performs the same functions of a transponder in col. 26, lines 8-60.

In response to applicant's argument that claim 11 is would not be an obvious rejection, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan M Boswell whose telephone number is (703) 305-0308. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2572.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723

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If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
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December 16, 2002

A handwritten signature in black ink, appearing to read "Peter Vo", with a long horizontal flourish extending to the right.

PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700